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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,298	11/29/2001	Corine A. Bickley	23484-022	4346

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EXAMINER
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VO, HUYEN X

ART UNIT	PAPER NUMBER
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2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/997,298

Applicant(s)

BICKLEY ET AL.

Examiner

Huyen X. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-14,16,17,20-39,41-51 and 54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-14,16,17,20-39,41-51 and 54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6, 8-9, 14, 16-18, 21, 23, 28-34, 36- 39, 41, 43-48, 50-51, and 54 rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US 5909023) in view of Loghmani et al. (US 6941273), and further in view of Alexander et al. (US 6177931).

3. Regarding claims 1, 16, 29, 36, 43, and 50 Ono et al. disclose a method, apparatus, and article of manufacture for providing a user an interface to a voice application, the method comprising:

providing a user with an interface to access the application and to invoke any of a plurality of application services (*input unit 222 in figure 1*);

receiving a communication from the user (*input unit 222 in figure 1*);

selecting an application service automatically from a plurality of services for the user, without the user requesting said application service, as a function of information representative of the user's past access to the application (*col. 4, line 18 to col. 5, line 67*); and

providing the application service to the user if the number of times the user selected the application service during the predetermined number of time periods is equal to or above a first predetermined threshold (*col. 4, lines 34-57 and col. 6, lines 9-67, calculation of purchase interval*).

Ono et al. fail to specifically disclose the step of automatically selecting an application service for the user as a function of the time of day the voice communication is received, performing speech recognition on input speech; determining accuracy of the speech recognition, and providing the selected application service to the user if the accuracy of the speech recognition is within a predetermined accuracy range.

However, Loghmani et al. teach a voice activated interface (*figure 9-11*), and the step of providing the application service to the user if the number of times the user selected the application service during the predetermined number of time periods is equal to or above a first predetermined threshold and if the accuracy of the speech recognition is within a predetermined accuracy range (*col. 4, ln. 38 to col. 6, ln. 30, and/or refer to figure 11*).

Since Ono et al. and Loghmani et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Loghmani et al. in order to improve speech recognition accuracy so that enabling the user to shop online using voice so that the user can do other works with their hands.

The modified Ono et al. still fail to specifically disclose the step of automatically selecting an application service for the user as a function of the time of day the voice

communication is received. However, Alexander et al. further teach the step of automatically selecting an application service for the user as a function of the time of day the voice communication is received (*col. 30, line 59 to col. 31, line 8, selecting application based on time of day*).

Since the modified Ono et al. and Alexander et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Ono et al. by incorporating the teaching of Alexander et al. in order to provide appropriate goods to customers based on user's profile.

4. Regarding claims 2 and 17, Ono et al. further disclose a method and apparatus according to claims 1 and 16, wherein the information representative of the user's past access to the application includes an identifier associated with a service provided by the application (*element 101 in figure 1*).

5. Regarding claims 6, 21, and 54, Ono et al. further disclose a method and apparatus according to claims 1, 16, and 50, wherein selecting an application service for the user comprises: determining, for a predetermined number of time periods, a number of times the user selected a particular application service during the predetermined number of time periods (*col. 5, ln. 1 to col. 6, ln. 67*); and selecting the particular application service if the number of times the user selected the particular

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application service during the predetermined number of time periods is equal to or above a predetermined threshold (*col. 5, ln. 1 to col. 6, ln. 67*).

6. Regarding claims 8-9 and 23, Ono et al. further disclose a method and apparatus according to claims 6 and 21, farther comprising, for each time period, counting more than one occurrence that the user selected the particular application service as only one occurrence (*col. 6, ln. 1-67*), and wherein the selected application service is the application service that the user accessed most frequently during the predetermined number of time periods (*col. 5, ln. 37-67*).

7. Regarding claims 14 and 28, Ono et al. further disclose a method and apparatus according to claims 1 and 16, further comprising: allowing the user modify the information representative of the user's past access to the application (*col. 8, ln. 28 to col. 9, ln. 38, if the user cancel to purchase the presented goods, the purchase interval would be calculated and updated and the same for the case of selected goods*).

8. Regarding claims 33 and 47, Ono et al. further disclose a method, apparatus, and computer readable program code according to claims 29 and 43, wherein selecting for the user an application service based upon the pattern of usage comprises selecting an application if a frequency with which the user invoked the application service is more than a first predetermined threshold (*col. 5, ln. 47 col. 6, ln. 14*), but fail to specifically disclose the steps of performing speech recognition on input from the user, determining

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speech recognition accuracy, and selecting for the user an application service based upon a determined accuracy of a speech recognition of the user is within a predetermined accuracy range. However, Loghmani et al. teach the steps of performing speech recognition on input from the user, determining speech recognition accuracy, and selecting for the user an application service based upon a determined accuracy of speech recognition of the user is within a predetermined accuracy range (*col. 4, ln. 38 to col. 6, ln. 30, and/or refer to figure 11*).

Since Ono et al. and Loghmani et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Loghamani et al. in order to avoid providing incorrect services to the user when speech recognition is incorrect.

9. Regarding claims 30-32, 37-39, 44, and 46, Ono et al. further disclose a method, apparatus, and computer readable program code according to claims 29, 36 and 43, wherein selecting for the user a particular application service based upon the pattern of usage comprises selecting a particular application service if a frequency with which the user invoked the application service is above a predetermined threshold (*col. 8, ln. 49-67*), wherein the frequency is determined by dividing a number of times that the user invoked the application service during a predetermined number of occurrences of a time period by the predetermined number of occurrences of the time period (*col. 5, ln. 48 to*

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*col. 6, ln. 67), and wherein the time period is within a day (figures 5 and 8, purchase day column, each day in the column is a day period).*

10. Regarding claims 34, 41, and 48, Ono et al. further disclose a method and apparatus, wherein selecting for the user a particular application service based upon the pattern of usage comprises selecting the particular application if a frequency the user invoked the particular application service is less than a first predetermined threshold and a frequency one or more other users invoked the application service is above a second predetermined threshold (*col. 5, ln. 47 col. 6, ln. 14*).

11. Regarding claim 45, Ono et al. further disclose an article of manufacture, wherein the frequency is determined by dividing a number of times that the user invoked the particular application service during a predetermined time period over one or more days by a number of the one or more days (*col. 6, ln. 1-67*).

12. Regarding claim 51, Ono et al. further disclose a method according to claim 50, wherein the information representative of the other users' past access to the application includes an identifier associated with a service provided by the application (*col. 4, lines 25-35*).

13. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Loghmani et al. (US 6941273), further in



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view of Alexander et al. (US 6177931), and further in view of Gardenswartz et al. (US 6298330).

14. Regarding claims 5 and 20, the modified Ono et al. fail to disclose a method and apparatus according to claims 1 and 16, wherein the information representative of the user's past access to the application includes a location from which the user requested the service. However, Gardenswartz et al. teach that the information representative of the user's past access to the application includes a location from which the user requested the service (*col. 5, ln. 64 to col. 6, ln. 7*).

Since the modified Ono et al. and Gardenswartz et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Ono et al. by incorporating the teaching of Gardenswartz et al. in order to determine appropriate goods or services for the user.

15. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Loghmani et al. (US 6941273), further in view of Alexander et al. (US 6177931), and further in view of Walker et al. (US 6298329).

16. Regarding claims 7 and 22, the modified Ono et al. fail to disclose a method and apparatus according to claims 6 and 21, wherein selecting the particular application

service comprises selecting the particular application service if a ratio of the number of times the user selected the particular application service during the predetermined number of time periods to the number of times the user could have selected the particular application service during the predetermined number of time periods is equal to or above a predetermined threshold.

However, Walker et al. teach that selecting the application service comprises selecting the particular application service if a ratio of the number of times the user selected the particular application service during the predetermined number of time periods to the number of times the user could have selected the particular application service during the predetermined number of time periods is equal to or above a predetermined threshold (*col. 9, ln. 40 to col. 10, ln. 38*).

Since the modified Ono et al. and Walker et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Ono et al. by incorporating the teaching of Walker et al. in order to determine and provide appropriate services for the user.

17. Claims 10-12 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Loghmani et al. (US 6941273), further in view of Alexander et al. (US 6177931), and further in view of Sahni et al. (US 5646986).

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18. Regarding claims 10-12 and 24-26, Ono et al. fail to disclose a method and apparatus according to claim 6, wherein the time periods include a weekday time period and a weekend time period, and wherein each weekday includes more than one of ht weekday time periods and each weekend day includes more than one of the weekend time periods.

However, Sahni et al. teach wherein the time periods include a weekday time period and a weekend time period (*col. 4, ln. 53 to col. 5, ln. 20*), and wherein each weekday includes more than one of ht weekday time periods and each weekend day includes more than one of the weekend time periods (*col. 4, ln. 53 to col. 5, ln. 20*).

Since Ono et al. and Sahni et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Sahni et al. in order to determine and provide appropriate services for the user in the future.

19. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Loghmani et al. (US 6941273), further in view of Alexander et al. (US 6177931), and further in view of Fox et al. (US 6584447).

20. Regarding claim 13, Ono et al. fail to disclose a method and apparatus according to claim 6, further comprising: ranking each of the time periods by priority such that if a user selected the particular application service at a time within two different time periods

and one of the two time periods has a higher priority, a pattern for the one of the two time periods having the greater priority is considered first.

However Fox et al. teach ranking each of the time periods by priority such that if a user selected the particular application service at a time within two different time periods and one of the two time periods has a higher priority, a pattern for the one of the two time periods having the greater priority is considered first (*col. 31, ln. 24 to col. 32, ln. 21*).

Since Ono et al. and Sahni et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Sahni et al. in order to determine and provide the most appropriate service for the user.

21. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US 5909023), in view of Loghmani et al. (US 6941273), in view of Alexander et al. (US 6177931), in view of Sahni et al. (US 5646986) as applied to claim 24, and further in view of Fox et al. (US 6584447).

22. Regarding claim 27, Ono et al. further disclose an apparatus according to claim 24, wherein the server further includes: means for determining a plurality of patterns of access to the particular application service based upon the time periods the user selected the particular application service (*by using the user's purchase history*), but fail to specifically disclose ranking each of the time periods by priority such that if a user

selected a service at a time within two different time periods and one of the two time periods has a higher priority, a pattern for the one of the two time periods having the greater priority is considered first.

However Fox et al. teach ranking each of the time periods by priority such that if a user selected a service at a time within two different time periods and one of the two time periods has a higher priority, a pattern for the one of the two time periods having the greater priority is considered first (*col. 31, ln. 24 to col. 32, ln. 21*).

Since the modified Ono et al. and Fox et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Ono et al. by incorporating the teaching of Fox et al. in order to determine and provide the most appropriate service for the user.

23. Claims 35, 42, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US 5909023) in view of Loghmani et al. (US 6941273), further in view of Alexander et al. (US 6177931), and further in view of Kepecs (US 6330543).

24. Regarding claims 35, 42, and 49, Ono et al. do not disclose a method according to claims 29, 36, and 42, wherein selecting for the user a particular application service based upon the pattern of usage comprises selecting an application if a frequency the user invoked the particular application service at a predetermined location cluster is above a predetermined threshold. However, Kepecs teaches the step of selecting for

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the user a particular application service based upon the pattern of usage comprises selecting an application if a frequency the user invoked the particular application service at a predetermined location cluster is above a predetermined threshold (*col. 13, ln. 10-29, based on the user's history of shopping store at a particular location cluster, discount at stores at that particular location is presented to users*).

Since Ono et al. and Kepecs are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Kepecs in order to send promotional discount advertisers to appropriate users to encourage them to purchase goods.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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1/24/2007

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